

THOMAS J. MILLER
ATTORNEY GENERAL

ERIC TABOR
CHIEF DEPUTY ATTORNEY GENERAL



Iowa Department of Justice

ADDRESS REPLY TO:
1305 E. Walnut Street
Des Moines, IA 50319

Telephone: 515/281-5191
Fax: 515/281-4209
Eric.Tabor@iowa.gov

2015 BUDGET SUBCOMMITTEE QUESTIONS

PROGRAM PERFORMANCE

- a. Do you have defined outcomes or measurements for your program(s)? What are they and are these measures listed somewhere so the public can see them?

With respect to non-legal functions in the Office, performance measures are used in our Consumer Protection Division (CPD) and our Crime Victim Assistance Division (CVAD). In CPD the amount of time expended to handle and close consumer complaints can be calculated. In CVAD, several performance measures are utilized, including the amount of time expended to process a crime victim compensation claim and the amount of time expended to process a victim service grant reimbursement claim.

With respect to legal functions in the Office, performance measures are harder to apply. In some areas of the law where cases tend to be more similar, caseloads and progress of attorneys can be tracked more closely. These areas include workers compensation, child abuse appeals, post-conviction relief petitions, and criminal appeals. The National Association of Criminal Defense Lawyers has promulgated a performance standard indicating criminal appeals attorneys should file 2.4 briefs per month. Our criminal appeals attorneys almost always exceed this standard.

In other areas of the law where the case or other legal matter at hand is more unique or complicated, applying performance measures is difficult. The Office has implemented several policies which increase performance and outcomes for the public. *First*, we recruit and hire outstanding lawyers. We have high standards and only hire when we find an attorney who meets those standards. *Second*, the performance of all attorneys is evaluated formally at least annually and informally throughout the year. *Third*, we encourage teamwork across divisions which enhances the quality of our legal work. *Finally*, we have been taking more cases to trial, instead of settling out of court. The willingness to try cases has brought outstanding successes in the areas of employment discrimination, consumer protection, and tort defense. The private bar has taken notice of this willingness to go to trial and is more likely to settle cases on terms favorable to the State in the future.

In the area of consumer protection, by any measure, the performance of the Office has been outstanding. This performance has been enhanced due to several factors: *First*, we have selected consumer issues that impact many Iowans. *Second*, we have teamed up with other

states and the federal government in a multi-jurisdictional fashion to take on powerful interests. *Third*, we have not been afraid to take major cases to trial. A notable example is our litigation against several buying clubs which resulted in the return of about \$40 million to nearly 400,000 Iowans. This is more than the combined total received by all other states from buying clubs.

There is no question that the performance of our attorneys in the trial and appellate courts is equal to or superior to the performance of attorneys in private practice who make significantly more money.

- b. What data is available to show Iowans that your program(s) are an effective investment of taxpayer dollars? Where can Iowans find this data?

We can provide more detailed information on the performance measures and points made in Question a.

- c. Can you provide the committee with performance data for your programs over the last 5 or 10 years?

We can provide the Committee with information for at least the last 5 years.

PROGRAM EFFICIENCY

- a. Have you examined what other states are doing to improve performance and reduce costs?

Our managers attend conferences sponsored by the National Association of Attorneys General. Ideas are exchanged in the areas of office management, information technology, and case management. We also reach out to states with questions on particular matters. An example is how states contract for expert witnesses in sexual violent predator prosecutions.

- b. Can you share with the committee what other states are doing?
- c. Which of these ideas are you considering for implementation here in Iowa?

There are no specific ideas we are considering for implementation at this time.

- d. Are there websites or organizations we could go to obtain more information on what other states' programs are doing to provide more efficient services?

The Committee could review the websites of state attorneys general or contact the National Association of Attorneys General.

- e. Do you have an email address or a comment section on your website where lowans can suggest improvements to your program or agency?

Yes. Webteam@Feedback.Iowa.Gov

PROGRAM DUPLICATION

- a. Are there any other programs that are providing the same or similar services?

No.

- b. Is there a reason why we need more than one program providing the same or similar service?

No.

- c. Have you had any discussions with the other agencies or programs to find ways to maximize the use of the taxpayer's dollars?

Yes. An example is our work with the Department of Revenue to create a new assistant attorney general position in our Office to enhance the collection of debts owed to the State.

- d. Are there any laws or administrative rules that would limit your ability to work with the other programs or departments?

No.

- e. Are there any laws or administrative rules that could be changed to make your program or agency work better?

We are proposing legislation to clarify procedures under the tort claims statute with regard to representing state employees who are sued in their individual capacity. The legislation would streamline the process and eliminate unnecessary and costly litigation.

OTHER

- a. Would it be a burden to your agency to ask that your presentations be delivered to the Legislative Services Agency 48 hours in advance of your appearance before the committee?

No.

- b. If you are required to reduce your budget by 1%, 5%, or 10%, where would you suggest we focus our attention?

Some introductory points to put our answers in context: *First*, about 93% of our budget is for salary and benefits. Budget cuts impact staff which is the essence of a law office. *Second*, our general fund appropriation is used to pay staff who perform essential functions for the taxpayers – including area prosecutors, criminal appeal attorneys, and attorneys who defend the State against tort, employment, prisoner litigation, and other lawsuits. *Third*, in FY16 we will need to absorb (a) increased health care costs which amount to about 2% of our general fund appropriation and (b) merit salary increases.

Cuts in the 1%-5% range would be addressed by reducing non-salary costs, increasing reliance on internal funds, and delays in filling vacancies. Cuts in the 10% range would probably require extensive furloughs. Extensive furloughs would seriously hinder the ability of the Office to effectively perform the essential functions which are mentioned above.